



PENNSYLVANIA DEPARTMENT OF CORRECTIONS  
OFFICE OF CHIEF COUNSEL  
55 UTLEY DRIVE  
CAMP HILL, PENNSYLVANIA 17011  
(717) 731-0444

April 8, 2002

VIA FACSIMILE TO KANDIS DASCANI  
AT SCI-COAL TOWNSHIP THEN  
HAND DELIVERY TO

Mr. Kim Smith (CT-2162)  
SCI-Coal Township  
1 Kelly Drive  
Coal Township, PA 17866-1020

RE: *Smith v. Weaver, et al.*  
USDC-MD, Docket No. 01-CV-0817  
Production of Documents

FILED  
WILKES BARRE

AUG 1 2002

MARIE S. D'ANDREA, CLERK  
Per 4 DEPUTY CLERK

Dear Mr. Smith:

I am in receipt of your January 8, 2002 "Motion for an Enlargement of Time" and "Plaintiff's Response to Defendants Request for Production of Documents" served and filed January 28, 2002. Both documents contain statements relating to the Corrections Defendants' Request for Production of Documents served in November 2001 that is now long overdue. Please consider this correspondence the FINAL attempt to resolve this matter without Court intervention.

You state in your January 28, 2002 "Reply" that you do not have funds to copy the documents for the Corrections Defendants. On January 2, 2002, the Court informed you that could avoid this expense by making arrangements with the Superintendent's Assistant to produce for examination and inspection any relevant documents in your possession responsive to the Corrections Defendants' request. There will be no charge to your inmate account for the one (1) copy that the Corrections Defendants make upon your production for examination and inspection. Any additional copies you may desire can be obtained through the procedures outlined in your Inmate Handbook, and any argument that SCI-Coal Township must provide you with additional copies because you lack the funds is meritless.

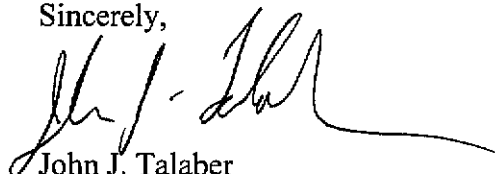
You also state in your January 28, 2002 "Reply" that you "will [not] turn over [your] only evidence to support [your] claim to institutional staff as what was requested . . . ." Further, your Reply states that you "refuse to turn over material to those parties whose behavior and act are under question, and defense counsel cannot expect [sic.] plaintiff to give these [sic.] staff whom he dose [sic.] not trust and are named in the action a copy that he has." This excuse is also not acceptable. Your belief as to what the SCI-Coal Township staff may do with your materials can easily be

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rectified by your numbering the documents, producing them for copying, and then checking the originals to confirm that no documents have been taken.

Finally, please remember that you chose to initiate a lawsuit against my clients, collectively known as the "Corrections Defendants." They now have the right through the Federal Rules of Civil Procedure to defend themselves, and specifically, to review documents you have relating to the claims against them. Therefore, if you do not produce the relevant materials to SCI-Coal Township staff on or **before Friday, April 12, 2002**, I will file a motion to compel pursuant to Fed.R.Civ.P. 37 and will seek costs and attorney's fees for having to do so. Ms. Dascani has been notified of the deadline and will ensure that SCI-Coal Township meets their obligations in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Talaber", with a long horizontal flourish extending to the right.

John J. Talaber  
Assistant Counsel

JJT

Enclosure(s)

cc: The Honorable Malachy E. Mannion, USDC-MD  
Kandis Dascani, Assistant to the Superintendent, SCI-Coal Township  
James Young, Esquire  
File